

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION (WORCESTER)**

**MICHAEL DAWE**  
**Plaintiff,**

**V.**

**CAPITAL ONE BANK**  
**Defendant.**

**CASE NO. 04-40192 FDS**

**NOTICE OF SETTLEMENT**

Plaintiff Michael Dawe and defendant Capital One Bank hereby notify the Court that they have reached an agreement with respect to the settlement of this action. Under the terms of the settlement, the parties will jointly file a stipulation of dismissal with prejudice after the defendant has satisfied a condition precedent to the filing of such stipulation.

The Court has ordered the completion of discovery by January 11, 2008, and scheduled a status conference in this case on January 14, 2008. In light of the settlement reached by the parties, the need for additional discovery or a status conference has been eliminated.

Accordingly, the parties request that the Court issue an order dismissing this action with prejudice in ninety (90) days unless the parties file a stipulation of dismissal with prejudice or either party notifies the Court that the condition precedent to the filing of such a stipulation has not been satisfied.

Respectfully submitted,

For the plaintiff,

For the defendant,

/s/ Jason David Fregeau  
Jason David Fregeau (BBO# 565657)  
47 Lincoln Road  
Longmeadow, MA 01106  
(413) 567-2461

/s/ Bruce D. Berns  
Bruce D. Berns (BBO#551010)  
Abendroth, Berns & Warner, LLC  
47 Church Street, Suite 301  
Wellesley, MA 02482  
(781) 237 – 9188

Dated: December 18, 2007